

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED
April 09, 2024
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

KENARD M. COLLINS,)	
)	Civil Action No. 7:22cv00608
Plaintiff,)	
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
C/O H.C. HESS, <i>et al.</i> ,)	By: Hon. Thomas T. Cullen
)	United States District Judge
Defendants.)	

Plaintiff Kenard M. Collins, proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983. On March 4, 2024, the defendants filed a partial motion to dismiss concerning Collins's claims 1–4,¹ and on March 5, 2024, the court issued a notice pursuant to *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 2005). (*See* ECF Nos. 18 & 21.) The *Roseboro* notice gave Collins 21 days to file a response to the motion to dismiss and advised him that, if he did not respond to the defendants' motion, the court would “assume that [he] has lost interest in the case, and/or that [he] agrees with what the Defendant[s] state[] in their responsive pleading[].” (ECF No. 21.)

To date, Collins has not responded to the defendants' motion, the court assumes he concedes the challenge to claims 1-4, and those claims will therefore be dismissed. Accordingly, only Collins's claim 5 against defendant Lowe remains.

¹ The defendants filed an answer as to Collins's claim 5 against defendant Lowe. (*See* ECF No. 20.)

The Clerk is directed to send copies of this Memorandum Opinion and accompanying Order to the parties.

ENTERED this 9th day of April, 2024.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE